

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRACKMAN, INC.,

Plaintiff,

v.

GSP GOLF AB d/b/a GSPRO, DAVOR  
BOGAVAC, SIMULATORGOLFTOUR LLC,  
and CHAD COOKE,

Defendants.

Case No. 1:23-cv-598-NRB

GSP GOLF AB d/b/a GSPRO, DAVOR  
BOGAVAC, SIMULATORGOLFTOUR LLC,  
and CHAD COOKE,

Counterclaim Plaintiffs,

v.

TRACKMAN, INC.,

Counterclaim Defendant.

**TRACKMAN’S ANSWER TO THE SGT DEFENDANTS’ COUNTERCLAIM**

Plaintiff and counterclaim defendant TrackMan, Inc. (“TrackMan”) answers the counterclaim of defendants and counterclaim plaintiffs SimulatorGolfTour LLC and Chad Cooke (collectively, the “SGT Defendants”) (ECF No. 68). To the extent any of the headers in the counterclaim contain any allegations, TrackMan denies them.

**PARTIES**

1. TrackMan admits the allegations in paragraph 1 of the counterclaim.
2. TrackMan admits the allegations in paragraph 2 of the counterclaim.

3. TrackMan admits the allegations in paragraph 2 of the counterclaim.

**JURISDICTION & VENUE**

4. TrackMan admits that the SGT Defendants seek a declaratory judgment under the Copyright Act of 1976 and that they claim jurisdiction on the basis of 28 U.S.C. §§ 1331, 1338(a), and 2201. Except as expressly admitted, TrackMan denies the remaining allegations in paragraph 4 of the counterclaim.

5. TrackMan admits the allegations in paragraph 5 of the counterclaim.

**COUNT I (Declaratory Judgment)**

6. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 6 of the counterclaim.

7. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 7 of the counterclaim.

8. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8 of the counterclaim.

9. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9 of the counterclaim.

10. TrackMan admits that TrackMan A/S announced in August 2019 that it would discontinue Perfect Golf simulator licenses the following year. Except as expressly admitted, TrackMan denies the remaining allegations in paragraph 10 of the counterclaim.

11. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 11 of the counterclaim.

12. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12 of the counterclaim.

13. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 13 of the counterclaim.

14. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 14 of the counterclaim.

15. TrackMan denies the allegations in paragraph 15 of the counterclaim.

16. TrackMan denies the allegations in paragraph 16 of the counterclaim.

17. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 17 of the counterclaim.

18. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 18 of the counterclaim.

19. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 19 of the counterclaim.

20. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 20 of the counterclaim.

21. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 21 of the counterclaim.

22. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 22 of the counterclaim.

23. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 23 of the counterclaim.

24. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 24 of the counterclaim.

25. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 25 of the counterclaim.

26. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 26 of the counterclaim.

27. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 27 of the counterclaim.

28. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 28 of the counterclaim.

29. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 29 of the counterclaim.

30. TrackMan denies the allegations of paragraph 30 of the counterclaim.

31. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 31 of the counterclaim.

32. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 32 of the counterclaim.

33. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 33 of the counterclaim.

34. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 34 of the counterclaim.

35. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 35 of the counterclaim.

36. TrackMan denies the allegations in paragraph 36 of the counterclaim.

37. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 37 of the counterclaim.

38. TrackMan denies the allegations in paragraph 38 of the counterclaim.

39. TrackMan denies the allegations in paragraph 39 of the counterclaim.

40. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 40 of the counterclaim.

41. TrackMan denies the allegations in paragraph 41 of the counterclaim.

42. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 42 of the counterclaim.

43. TrackMan denies the allegations in paragraph 43 of the counterclaim.

44. TrackMan denies the allegations in paragraph 44 of the counterclaim.

45. TrackMan denies the allegations in paragraph 45 of the counterclaim.

46. TrackMan denies the allegations in paragraph 46 of the counterclaim.

47. TrackMan denies the allegations in paragraph 47 of the counterclaim.

48. TrackMan denies the allegations in paragraph 48 of the counterclaim. TrackMan denies that Exhibit 1 is a true and correct copy.

49. TrackMan denies the allegations in paragraph 49 of the counterclaim.

50. TrackMan denies the allegations in paragraph 50 of the counterclaim.

51. TrackMan denies the allegations in paragraph 51 of the counterclaim.

52. TrackMan denies the allegations in paragraph 52 of the counterclaim.

53. TrackMan denies the allegations in paragraph 53 of the counterclaim.

54. TrackMan denies the allegations in paragraph 54 of the counterclaim.

55. TrackMan denies the allegations in paragraph 55 of the counterclaim.

56. TrackMan denies the allegations in paragraph 56 of the counterclaim.

57. TrackMan denies the allegations in paragraph 57 of the counterclaim.

58. TrackMan denies the allegations in paragraph 58 of the counterclaim.

59. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 59 of the counterclaim.

60. TrackMan denies the allegations in paragraph 60 of the counterclaim.

61. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 61 of the counterclaim.

62. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 62 of the counterclaim.

63. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 63 of the counterclaim.

64. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 64 of the counterclaim.

65. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 65 of the counterclaim.

66. TrackMan denies the allegations in paragraph 66 of the counterclaim.

67. TrackMan denies the allegations in paragraph 67 of the counterclaim.

68. TrackMan denies the allegations in paragraph 68 of the counterclaim.

69. TrackMan denies the allegations in paragraph 69 of the counterclaim.

70. TrackMan denies the allegations in paragraph 70 of the counterclaim. TrackMan denies that Exhibit 2 is a true and correct copy.

71. TrackMan denies the allegations in paragraph 71 of the counterclaim.

72. TrackMan denies the allegations in paragraph 72 of the counterclaim.

73. TrackMan denies the allegations in paragraph 73 of the counterclaim.

74. TrackMan denies the allegations in paragraph 74 of the counterclaim.

75. TrackMan denies the allegations in paragraph 75 of the counterclaim. TrackMan denies that Exhibit 3 is a true and correct copy.

76. TrackMan admits that the copy of the post purports to be a post on Discord. Except as expressly admitted, TrackMan denies the remaining allegations in paragraph 76 of the counterclaim.

77. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 77 of the counterclaim.

78. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 78 of the counterclaim.

79. TrackMan denies the allegations in paragraph 79 of the counterclaim.

80. TrackMan denies the allegations in paragraph 80 of the counterclaim.

81. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 81 of the counterclaim.

82. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 82 of the counterclaim.

83. TrackMan denies the allegations in paragraph 83 of the counterclaim.

84. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 84 of the counterclaim.

85. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 85 of the counterclaim.

86. TrackMan admits that the SGT Defendants copied TrackMan's copyright-protected works. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 86 of the counterclaim.

87. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 87 of the counterclaim.

88. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 88 of the counterclaim.

89. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 89 of the counterclaim.

90. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 90 of the counterclaim.

91. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 91 of the counterclaim.

92. TrackMan lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 92 of the counterclaim.

93. TrackMan admits that GSPro has used user-generated courses from Perfect Golf. Except as expressly admitted, TrackMan lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 93 of the counterclaim.

94. TrackMan denies the allegations in paragraph 94 of the counterclaim.

95. TrackMan denies the allegations in paragraph 95 of the counterclaim.

96. TrackMan admits that paragraph 96 purports to show a screenshot of the SGT website dated October 9, 2024. Except as expressly admitted, TrackMan denies the allegations in paragraph 96.

97. TrackMan denies the allegations in paragraph 97 of the counterclaim.

98. TrackMan denies the allegations in paragraph 98 of the counterclaim.

99. TrackMan admits that the SGT Defendants purport to seek declaratory judgment.

Except as expressly admitted, TrackMan denies the remaining allegations in paragraph 99 of the counterclaim.

100. TrackMan admits that there is an actual case and controversy about whether the SGT Defendants engaged in false advertising. TrackMan admits that the SGT Defendants purport to seek declaratory judgment. Except as expressly admitted, TrackMan denies the remaining allegations in paragraph 100 of the counterclaim.

**PRAYER FOR RELIEF**

TrackMan denies that the SGT Defendants are entitled to the judgment and relief requested in the counterclaim or in their demand for relief. The SGT Defendants' demand for relief should be denied, and the SGT Defendants should take nothing.

Respectfully submitted,

Dated: November 5, 2024

GOODWIN PROCTER LLP

By: /s/ Stefan Mentzer

Stefan Mentzer

Scott. T. Weingaertner

Timothy Keegan

The New York Times Building

620 Eighth Avenue

New York, New York 10018

Tel. + 1 212 813 8800

[smentzer@goodwinlaw.com](mailto:smentzer@goodwinlaw.com)

[sweingaertner@goodwinlaw.com](mailto:sweingaertner@goodwinlaw.com)

[tkeegan@goodwinlaw.com](mailto:tkeegan@goodwinlaw.com)

*Counsel for TrackMan, Inc.*